

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT ALAN ANTON,

Plaintiff,

CV F 05 0412 OWW WMW P

vs.

_____ORDER

LT. RUIZ, et al.,

Defendants.

On April 11, 2006, findings and recommendations were entered, recommending dismissal of this action for failure to state a claim. The recommendation was based upon plaintiff's failure to file an amended complaint in compliance with the March 9, 2006, order dismissing the original complaint with leave to amend. On the same date that the recommendations were entered, plaintiff filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. The April 11, 2006, findings and recommendations are vacated.
2. This action proceeds on the April 11, 2006, amended complaint.

IT IS SO ORDERED.

Dated: May 25, 2006
mmkd34

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE